

California Regional Water Quality Control Board  
North Coast Region  
5550 Skylane Boulevard, Suite A  
Santa Rosa, CA 95403

NOTICE OF PUBLIC HEARING  
AND  
PROPOSED NEGATIVE DECLARATION  
IN THE MATTER OF  
WAIVING WASTE DISCHARGE REQUIREMENTS FOR SPECIFIC TYPES OF DISCHARGES

DESCRIPTION OF PROPOSED ACTION

Pursuant to the California Environmental Quality Act of 1970 (CEQA), and Division 7, Section 13269 of the California Water Code, the staff of the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) has prepared an Initial Study and a Negative Declaration of the possible impacts of waiving waste discharge requirements for certain types of waste discharges.

LOCATION OF AFFECTED AREA

The proposed action would apply throughout the North Coast Region.

PURPOSE AND JUSTIFICATION FOR PROPOSED ACTION

The Regional Water Board regulates waste discharges to the waters of the North Coast Region through issuance of waste discharge requirements. Pursuant to Section 13269 of the California Water Code, the Regional Water Board adopted policies waiving direct regulation for several categories of waste discharges (waiver policies). These waiver policies are contained in Regional Water Board Resolution Nos. 87-113, 89-131, and 92-135. The discharges specified in the adopted waiver policies were those which were identified as having no adverse effects on the waters of the State and/or which are effectively regulated pursuant to state regulations or guidelines or by other local public agencies. In addition, the Regional Water Board has waived waste discharge requirements for aerial herbicide applications as described in page 4-34.00 of the Regional Water Quality Control Plan (Basin Plan) and also on a case-by case basis for dischargers requesting federal water quality certification.

On October 6, 1999, Senate Bill 390 amended Section 13269 of the California Water Code to provide for the expiration of existing waivers for all categories of waste discharges on January 1, 2003. These amendments provide that:

- Waivers in effect on January 1, 2000, remain in effect until January 1, 2003, unless a regional water board terminates the waiver prior to that date.
- Regional water boards may renew for a five-year period any waivers that were valid on January 1, 2000, and have not been terminated prior to January 1, 2003. Failure to renew waivers will automatically result in their termination.
- Prior to renewal of any waiver for a specific type of discharge, a regional water board must review the terms of its waiver policy at a public hearing and shall determine whether the discharge for which the waiver policy was established should be subject to general or individual waste discharge requirements.
- The regional water board must require compliance with the conditions on which waivers are granted.

Pursuant to the recent amendment of Section 13269, Regional Water Board staff has reviewed its existing waiver policies and proposes revisions. The revisions are described in an Executive Officer's Summary Report dated August 27, 2002. The Executive Officer's Summary Report recommends that the Regional Water Board adopt Resolution No. 2002-0080, a revised and updated Waiver Policy, as well as its accompanying Negative Declaration.

A separate public hearing to address the scope of alternatives for revising the Regional Water Board's waiver policy for timber harvesting will be conducted on September 26, 2002. However, the Regional Water Board will not consider adoption of a revised waiver policy for timber harvesting on September 26.

A public hearing to consider adoption of a waiver policy for timber harvesting will be conducted at a date to be announced in the future.

The Executive Officer's Summary Report recommends the following categorical waivers be eliminated: drilling muds (not geothermal drilling muds); clean oils; inert solid wastes; test pumpings of fresh water wells; erosion from minor construction projects; pesticide rinse waters from applicators; minor stream channel alterations and suction dredging; small mining operations; minor hydro projects; irrigation return waters; projects requiring water quality certification; dewatering at construction projects; discharge from flushing of domestic water lines and tanks; and discharge from hydrostatic test lines.

The Executive Officer's Summary Report recommends the following categorical waivers be established: air-conditioner, non-contact cooling and elevated temperature water; minor dredging and fill operation; confined animal wastes; storm water runoff; non-commercial one-time sand and gravel operations and processing; swimming pool discharges; food processing wastes spread on land; agricultural commodity wastes; industrial wastes utilized for soil amendments; individual sewage disposal systems and small community, commercial, institutional, and industrial operations which utilize on-site wastewater treatment and disposal for domestic waste; flow-through seawater systems and aquacultural operations; use of reclaimed wastewater for soil compaction or dust control, and other construction purposes; lake or reservoir drainage projects; low-volume noncontaminated wastewaters generated by the installation and purging of monitoring wells during groundwater contamination investigations; discharges associated with the incineration of soils contaminated with petroleum hydrocarbons; pumped/drained water from storage tank excavations; soil stabilizing agents, and winery operations.

A public hearing to consider comments and objections to the proposed revisions to the existing waiver policies is scheduled for September 26, 2002 at 9:00 a.m., or as soon thereafter as practicable, in the Regional Water Board Hearing Room, 5550 Skylane Boulevard, Santa Rosa, California, or as announced in the agenda for the September 26, 2002 meeting of Regional Water Board. Regional Water Board action may include adoption of a revised Waiver Policy as well as a Negative Declaration for the proposed action.

At the public hearing, the Regional Water Board will receive comments on its proposed Waiver Policy, and will consider all and any other alternatives pertinent to the development of a Waiver Policy. Interested persons are requested to submit written comments, technical reports, testimony, and other material concerning this issue to the Regional Water Board office at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403 by 5:00 p.m. on September 16, 2002. All timely received written comments will be submitted to the Regional Water Board members.

Copies of the proposed Waiver Policy, Resolution No. 2002-0080, Negative Declaration, Initial Study, and other pertinent material will be available after August 22, 2002. They will also be accessible electronically at the Regional Water Board Internet address: <http://www.swrcb.ca.gov/rwqcb1/>. Related documents and comments received are on file and may be inspected or copied at the Regional Water Board office during business hours as follows: Monday from 1:30 p.m. to 4:30 p.m., Tuesday through Thursday from 8:30 a.m. to 11:30 a.m. and from 1:30 p.m. to 4:30 p.m., and Friday from 8:30 a.m. to 11:30 a.m. Appointments are recommended for document review. Appointments can be made by calling the Regional Water Board at (707) 576 - 2220. For further information, please contact Regional Water Board staff member Ben Kor.

Susan A. Warner  
Executive Officer

August 22, 2002